

REMARKS/ARGUMENTS

Claims 24-29 and 53-67 are now in the application. Claims 53-67 are new. Claims 24 and 53 are independent claims.

Claim Rejection under 35 U.S.C. 112.

The Office Action rejects claim 24 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action, states that the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the office action asserts that “Nothing in applicant’s specification is written to disclose that the single messaging application is running [run] by the same device on which the message is displayed”.

Applicant respectfully disagrees.

The application, as filed, recites:

A method of manipulating electronically generated messages belonging to at least 2 of the following messages types: e-mail, fax, video, pager, SMS, voice mail; comprising the step of handling the electronically generated messages using a single messaging application. [page 1, line 26 -30]

...The present invention may be used in wireless information devices, smart phones, communicators and other handheld devices. [page 2, lines 9-10].

...the single messaging application handles certain attributes of messages which are shared by all the message types...[page 2, lines 25-26]

...there is provided a software program for manipulating messages of a given type, comprising one or more loadable software modules capable of interfacing with a [the] single messaging application....[page 6, lines 6-7]

Each loadable software module may be individually capable of enabling the execution of one or more of (c) ... displaying messages; [page 6, lines 14 – 19]

There are seven major components [including] ...the Messaging application and its UI [user interface] All components will typically be

implemented in software, within a single device, such as a smart phone or communicator [page 9, lines 1 -12].

Applicant submits that the excerpts above clearly demonstrate that, at the time of filing, applicants clearly envisaged, and described in a way as to reasonably convey to one skilled in the art, a system containing all the elements of applicants claim 24, including that the single messaging application is, in at least one embodiment, run by the same device which displays the message.

Moreover, on page 8, the application, as filed, recites:

The Messaging Architecture of the present invention is exemplified by the EPOC messaging architecture from Symbian Limited of the United Kingdom. The following discussion presumes some knowledge of object oriented software. For a detailed understanding of EPOC, a variety of public domain sources can be consulted, such as the WWW site www.epoc.com, and freely available software developers kits for EPOC from Symbian Limited.

As one of ordinary skill in the art would be aware, or could easily determine from any suitable encyclopedia such as, for instance, the wikipedia:

EPOC is a pre-emptive multitasking, single user operating system with memory protection, which encourages the application developer to separate their program into an engine and an interface. ... As of Release 6, EPOC became known simply as Symbian OS. ..The adaptability of the user interface enables the use of Symbian OS on various form-factors of hand-held devices: clam-shell or tablet, keyboard and/or pen, PDA or mobile phone, and others. ..Symbian OS's major advantage is the fact that it was built for handheld devices with limited resources that may be running for months or years.

One of ordinary skill in the art will readily appreciate that the messaging system of EPOC, a.k.a. the Symbion Operating System (OS), was an embodiment of the invention described in the application as filed, and as such, was clearly intended for operation on a single handheld device, i.e., that the single messaging application was intended, in at least one embodiment, to be running on the same device that displayed the message.

In view of all the arguments above, applicant requests that this rejection be withdrawn and claim 24 be allowed.

Claim Rejection Under 35 U.S.C. 102(e) and 103(a)

The Office Action rejects claims 24-29, 34, 35 and 45 under 35 USC 102(e) as anticipated by Luzeski et al. (U.S. Patent 6,430,177).

Luzeski discloses a mainframe computer that runs the messaging platform: "The system includes a messaging platform 10 (e.g., Unisys Corporation's ClearpathNX mainframe computer)" column 5 lines 11 – 13. The messaging platform handles e-mail, fax and voice messages: "Thus, a Universal Messaging system in accordance with the present invention comprises a messaging platform supporting an e-mail messaging system and a voice/fax messaging system..."; column 4 lines 5 - 8.

In particular, in Luzeski, end-users log onto the mainframe to get their messages: "Subscribers can access messages from a personal computer via the Internet using a standard web browser with a Java applet that presents each subscriber with a 'universal inbox' that displays all of that subscriber's voice, fax and e-mail messages." column 3 lines 54 – 58.

Luzeski does not disclose "using a single messaging application, wherein said single messaging application is run by the same device on which the messages are displayed" that is an element of claim 24 and which, as detailed above, is disclosed in applicant's application as files.

Luzeski does not, therefore, anticipate applicants claim 24. Applicant requests that this rejection be withdrawn and claim 24 allowed.

Claims 25-29 depend from, and include all the limitations of allowable claim 24. Applicant, therefore, requests that this rejection be withdrawn and claims 25-29 be allowed.

Claims 34, 35 and 45 have been cancelled and their rejection is moot.

The Office Action rejects claims 30-33, 36-39, 42-44 and 46 under 35 USC 102(e) as being anticipated by Jennings et al. (US Patent 6,430,174).

Claims 30-33, 36-39, 42-44 and 46 have been cancelled and their rejection is moot.

The Office Action rejects claims 40, 41 and 47-52 under 35 USC 103(a) as being unpatentable over Jennings in view of Luzeski.

Claims 40, 41 and 47-52 have been cancelled and their rejection is moot.

New Claims

As detailed above, the Office Action relied on the primary citation Luzeski in previous rejections of the pending claims.

As discussed previously, in Luzeski, a mainframe computer runs the messaging platform: "The system includes a messaging platform 10 (e.g., Unisys Corporation's ClearpathNX mainframe computer)" column 5 lines 11 – 13. The messaging platform handles e-mail, fax and voice messages: "Thus, a Universal Messaging system in accordance with the present invention comprises a messaging platform supporting an e-mail messaging system and a voice/fax messaging system..."; column 4 lines 5 - 8. End-users log onto the mainframe to get their messages: "Subscribers can access messages from a personal computer via the Internet using a standard web browser with a Java applet that presents each subscriber with a 'universal inbox' that displays all of that subscriber's voice, fax and e-mail messages." column 3 lines 54 – 58.

Luzeski goes on to describe a system in which, in addition to conventional e-mail, it is possible to "deliver multimedia content packaged as attachments to uniquely identified e-mail messages. These specialized multimedia containers can be operated on by custom messaging clients in the same way as normal e-mail" column 13 lines 8 – 9. Further, "Content container messages preferably utilize the standard e-mail header constructs common to all messages. Standard headers contain "To:", "From:", "cc:", and "Subject:" fields, as well as various flags for priority, return receipt and other message status and delivery options" column 13 lines 33 – 38.

It is, however, clear that these headers Luzeski is describing are *just for e-mail*; they are specified in FunctionID = 5 ("Parameters are numerous and include such items as cc, bcc, subject..." column 11, lines 24 – 25).

This contrasts with the entirely different function needed for the other message types (i.e. voice and fax): Function ID = 12 (see column 12 line 5 – 16). See also the description of how the View Inbox function works ("The CMC API 10-4 requests and receives a list of message headers from the *e-mail* message store 10-2.." column 20 lines 18 – 19).

The header constructs in Luzeski correspond to the attributes in the present invention.

The present invention differs over Luzeski because in Luzeski these header constructs are, as noted above, used *solely* for e-mail messages (both conventional and the uniquely identified e-mail messages that include multi-media containers). In Luzeski the header constructs are *not* used for any other message types. In contrast, applicant's invention the attributes are generic attributes shared by the different message types.

In order to more clearly show these distinctions between the applicant's invention and the cited prior art, new claims 53-67 have been added.

In the new independent Claim 53, applicant specifies more precisely what is meant by 'message types' by listing the possible types (e-mail, fax, video, pager, SMS (short message service), voice mail, music files, video clips; note however that Luzeski uses the term 'message types' differently). Luzeski deals with three such message types (e-mail, voicemail and fax) but the conventional header constructs are used solely for e-mail: in Luzeski there is no suggestion that the e-mail header constructs would in some manner also be applied to voicemail or fax. In fact, Luzeski describes an entirely conventional UVMS voice mail system, which would have no such use of e-mail style header constructs.

The Office Action refers to column 13 lines 47 – 52 to support the view that Luzeski does show generic attributes common to e-mail, voice and fax: "Attributes that apply to individual messages such as delivery priority, return receipt, and expiration are also handled by the platform". However, these refer solely to the *e-mail* message type and *not* the voice and fax message types because these kinds of attributes are simply not relevant and not used for voicemail or fax. Similarly, the CMC 1.0 message components referred to be the examiner for the same reason and listed at column 16 lines 25 – 60 (which include components such as 'subject', 'time sent') are also all *e-mail specific*; this can be most clearly seen from Figure 1, in which the CMC API 10 -4 is labeled as the "EMAIL FRONT END". In addition to the explicit label, the CMC API 10-4 is clearly functionally disconnected from the voicemail client 10-7 and fax mail client 10 -8 and is hence *not* the front end to voice or fax at all.

In summary, the core feature of the present invention, namely re-use by a messaging application of certain defined generic attributes (i.e. subject/description, date, size, message type, body text, originator, first recipient, priority, attachment flag) across various different message types (i.e. e-mail, fax, video, pager, SMS (short message service), voice mail, music

files, video clips) is entirely lacking from Luzeski. Luzeski in fact teaches away from such a combination by maintaining the conventional separation between the e-mail, voice and fax message types.

Furthermore, another distinction between applicant's claimed invention and the cited prior art, is that in the cited prior art, the device running the messaging application, i.e., the mainframe, does not itself display electronically generated messages to the end-user.

Applicant submits that these new claims more clearly distinguish applicants invention from the cited prior art, and are supported by the application as submitted in, for instance, figure 1 and the portions of the specification detailed above.

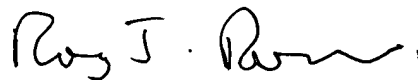
These new claims place the application in condition for allowance. Applicant, therefore, requests that new claims 53-67 be entered in this application and that they be allowed.

Summary

Therefore in view of the foregoing amendments and remarks, applicant respectfully requests entry of the arguments and new claims 53-67, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 24-29 and 53-67 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

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